IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION No. 21168 of 2004

Between:

A. Upendra Rao, S/o. Sri Hanumantha Rao,
Occu: SO to GM RG-III & IV, the Singareni Collieries

Company Limited, at Ramagundam, R/o. NB-29,

Bunglow Area, Godavarikhani, Karimnagar District.

..... PETITIONER

AND

1. The Singareni Collieries Company Limited, rep. by its

Chairman cum Managing Director,
Singareni House, Red Hills, Hyderabad.
2. The Singareni Collieries Company Limited, rep. by its

Director (PA & W), Kothagudem, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue appropriate writ, order or direction, particularly a writ of Mandamus, declaring the action of respondents in not considering the petitioner for promotion for the post of Additional General Manager (M.2 grade) and not promoting him pursuant to the interview dt. 09.03.2004 against the existing vacancies on par with his juniors as arbitrary, illegal and violative of Articles 14 and 16 of Constitution of India and consequently direct the respondents to consider the petitioner for promotion to the

post of Additional General Manager (M.2 grade) in the ensuing DPC meeting.

Counsel for the Petitioner: MR.J.PRABHAKAR

Counsel for the Respondent Nos.1&2: MR.NANDIGAM KRISHANA RAO (Standing Counsel for Singareni Collieries Co. Ltd.)

The Court at the stage of admission made the following :

THE HONOURABLE DR. JUSTICE G.YETHIRAJULU

Writ Petition No. 21168 of 2004

ORDER:

The petitioner is working as S.O. to G.M. RG-III and IV of the respondents-Company. The petitioner contends that he is fully qualified for getting promotion to the post of Additional General Manager (M2 grade). He attended the interview on 09.03.2004 along with other candidates, but he was not considered for promotion.

2. The grievance of the petitioner is that though the first respondent is giving promotion to his juniors, his candidature is not being considered for promotion. Therefore, he submitted a representation to the respondents to consider his case for promotion. The post of the Additional General Manager will be filled through promotion of eligible candidates on the basis of merit-cum-seniority, therefore, the petitioner cannot claim promotion as a matter of right. The petitioner did not point out any procedural irregularity in the selection process and his only grievance is that he is not considered for promotion.

3. There cannot be such a direction from this Court to promote the petitioner to the post of Additional General Manager. In the event of any proposal for promotion to the post of Additional General Manager in the near future, the respondents may consider the candidature of the petitioner also along with other candidates and take appropriate decision on the basis of the material available on record and according to the rules in force.

4. The writ petition is accordingly disposed of. No costs.

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Dr.G.YETHIRAJULU, J

Dated: 19th November, 2004.

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NOTE:

Issue C.C. in one week.

B/O

cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chairman-cum-Managing Director, The Singareni Collieries Company Limited, Singareni House, Red Hills, Hyderabad.
2. The Director (PA & W), The Singareni Collieries Company Limited, Kothagudem, Khammam District.
3. Two C.D. copies.